

EMAIL COMMENT

From: Calhoun, Rory (RCO)
Sent: Tuesday, June 07, 2011 9:15 AM
To: SW Permit Comments
Subject: Comments

Thank you for the opportunity to provide comments.

I was forwarded a link to a story about the Puget Sound and I saw the link to comment. I haven't read all of your different proposals nor do I have the time to monitor or read all of them. I wanted to provide general comments about a subject that should be considered for everything you do or every rule you might implement in the future.

I want to remind the department of Ecology to remember that they need to consider the 1990 Americans with Disabilities Act and other federal laws like the 1968 Architectural Barriers Act (ABA) section 504 of the Rehabilitation Act of 1973, WAC 51-50 and RCW state laws and other federal relating to protection for persons with disabilities as they move forward with plans which have potential to limit or diminish ADA access. Nothing a government does when renovating or building new can have the effect of reducing or reduce the existing access. No laws or rules may discriminate or directly be designed to screen out persons with disabilities from participating or receiving equal benefits, services activities. As a recipient of federal aid Ecology may want to may sure they don't violate any federal requires as they proceed forward in this process.

Washington State has been a leader in providing access for years and had more stringent codes and has provided many more opportunities to persons with disabilities over the years. The outdoors has been recognized as a place that needed more access and over the last 15 years we have made great progress in providing better access to it. The newest federal laws under the new revised ADA supports that as well.

Many regulations and ideas about low impact development may have an unintended impact on persons with disabilities by reducing the physical hard surfaces needed to provide accessible routes of travel or trails. Concrete, asphalt and even hard packed gravel can be some of the best surfaces and stay maintained as an accessible surface. For a person with a physical mobility disability who might be using a walker or wheelchair, hard surfaces have met the need and government agencies have been installing more accessible surfaces in the outdoors than ever before meeting the needs and reducing maintenances costs.

Pervious surfaces provide the much needed ADA access in the outdoors and on trails and help agencies to meet their ADA obligation when building or renovating a site. Reducing the amount of pervious surface will impact the ADA access for persons with disabilities and potentially reduce the access provided by other public entities and increase their risk of a discrimination complaint for not providing equal access to sites. Requiring anything which would narrow pathways and trails or requires more

native surfaces or soft surfaces would conflict with the intent to provide more access under the federal and state access laws.

I would support exceptions or urge you to allow ADA access routes or trails and pathways to be hard surfaces and not be counted against the allowable pervious surface calculations or to make sure that ADA access doesn't get reduced or excluded. The ADA hard surface is often the last thing to be done and always gets reduced or is short changed because of environmental reasons. I wouldn't want any new rules that further impacts the ADA access that is so important.

As Ecology moves forward I would suggest they give ADA access equal consideration as they do with all other potential considerations as you draft policies or rules implementing low impact development.

Thank you

Rory

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